G. R. S. IX-5]

Reserve

Previous references.

File No. 176-18

1918.

Serial Nos. 103

(~~Nos~~)

Later references.

Cs—178-38-1,2,4...19.

C 5 101-46(1-3)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nos

Part B for June 1919.

SUBJECT.

Competitive Examination for the Selection of Munsiffs.

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(1) From, The Registrar, Chief Court.
No R. O. C 749 D 22-1-19

Suggests certain modifications to the rules re: the qualification of candidates & the subjects for the examination as laid down in paras 205 of the G.O. of the 25 $\frac{th}{th}$ Jany & Nos for sanction for purposes of the examination in June 19.

To, The Registrar, Chief Court No. G 23417 D 11-4-19.

States that the general question of recruitment by competition is under consideration & that the competitive Exn for the selection of Munsiffs may be deferred for the present.

W D 1250—GPB—30,000 - 28-1-19

14/6

G. R. S. III-1] 191 8

GENERAL AND REVENUE SECRETARIAT

(Cowrts)

NOTES.

File No. 176-18

FILE HEADING.

Competitive Examination for the Selection of munsiffs

From

The Registrar, Chief Court

No. R.O.C 749 Dated 21/22 -1-1919 Received 23-1-1919

Diary No. G.9735- Enclos. 1 Spare Copies. [Serial No. 1

BRIEF ABSTRACT OF LETTERS.

Suggests certain modifications to the rules re: The qualification of candidates and the subjects for the examination as laid down in paras 2 and 5 of the G.O of the 25th Jan 1917 and

forwards for sanction proposals to hold the examination in June 1919

NOTES AND ORDERS.

1) Subd. with reference Paragraph 2 of the order of the 25th Jan 1917 was adopted on the orders of H. H. (vide Paragraph 35 of the notes in this file 199-14)

GB 24/1/19.

NOTES—First Sheet.

General and Revenue Secretariat. | C5 File No. 176 of 1918.

Serial No.

2) The recommendations of the Chief Court may perhaps be accepted. But it is a matter for the consideration of Govt whether an intimate acquaintance with Kannada is not a sine qua non for a Munsiff who has to study documents at first hand for the proper appreciation of evidence. If the Competitive Exam is held on the lines suggested by the Chief Court it will be ~~quite~~ possible for a person quite unacquainted with the language of the country to become a Munsiff.

SMH

25.1.19

~~Chief Secy~~)

3) As regards the proposal to reduce the period of practice in the case of practitioners to three years it seems that the grounds urged viz allowing young

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

Serial No.

men to compete for the examination applies to with equal force to those in service. All the candidates, that ~~applied for~~ appeared for the last examination, were Ilaam practitioners, apparently because the men in service could not satisfy all the conditions. In case Govt do not see their way to reduce the period to three years in the case of those already in service it stands to reason that the ~~too~~ restriction regarding the age limit shd be removed.

S/Mtt
25.1.19

Chief Secy)

4 The changes recommended by the Chief Court may be approved.

5. Perhaps a paper on translation into Kanarese & a test in reading Kanarese manuscript may be added.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

General and Revenue Secretariat. | C5 File No. 176 of 1918.

Serial No.

6. This will ensure a sufficient knowledge of Kanarese on the part of the candidate.

1st member. CSR 28/1/19

7. It will not do to include a paper on Kanarese as part of the Mysore Competitive Exam, as the purpose of this is to test the candidate's knowledge of the law and its practical application which is after all the primary qualification for a Judicial Officer. The condition in para 2 (ii) of the Notification that every candidate must be "a native of Mysore by birth or domicile" will by itself go a long way towards ensuring a working acquaintance with the Kannada language; if anything more is required, the correct and convenient course is to provide (as has been done in the Mysore Civil Service Rules) that those candidates who have not taken Kannada as their optional language in a public exam should pass an exam in that language during their period of probation. Upon this point it is well

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

General and Revenue Secretariat. | File No. 176 of 1918.

Serial No.

to consult the Chief Court. The D.O. to Sir Lesley Miller, put up, to issue -

29.1.19.

5) Vide Sir Lesley Miller's reply of 29.1.19, to the effect that if a language test is necessary at all, it should be by way of an exam separate from the competitive and that it should be open to Members to pass it during the period of probation or even thereafter if for special reasons the Chief Court or the Govt should extend the time. With this I quite agree.

6) At the same time, the Chief Justice refers to a G.O. of 6-10-15, No. J. 1382-3, in which Govt have already laid down the rule that - "As in the case of persons admitted into the Lyon Court Service such persons admitted as Munsifs or Sub Judges as have not taken Kannada as their official language in addition to the recognized subsidiary should pass an exam in that language before they can be confirmed." This rule, which has apparently been lost sight of in this Court, quite meets the necessities of the case, & nothing more is required -

10) As regards the observations

Cir. for put up. 31/1

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III-2]

General and Revenue Secretariat. | 45 File No. 176 of 1918.

Serial No.

on the rules for the competitive tests, namely, as regards the reduction in the number of practices and the revision of the subjects for the examination, they are all well-considered and necessary, and may be approved.

11) As the examination is proposed to be held in June and applications are to be received by 15th March, the notification has to be issued without delay.

30/1/19

Asst Secy.

11 Please put up a draft order also for submission

C&G 30/1/19 D.M. 30/1

12 Submitted with a draft.

C&G 31/1/19 Addl 31/1 (Chief Secy) D.M. 31/1

13 May be considered in Council at the next meeting.

Deputy Secy. C.M. 31/1/19 D.M. 31/1

Yes. The question of the age of men recruited from the bar a completed year

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-19—S.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 176 of 1918.

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raised vide if I remember.
I think I was also that there
was a 200 Rs - seems a
hard proposition

8.2

C.S.
Include
in agenda
for next meeting
C.S.
8/7/18

In pencil See Separate note
attached.
11/2/19

For later Notes & Correspondence vide
Confidential Collection No. 314 Vol. II
of the Council Section -

3 To the Registrar Chief Court No. G. 23147
dy 11-4-19.

States that the general question
of recruitment by competition
is under consideration & that
the competitive examinations
for the selection of municips
may be deferred for the present

Copy kept in this file
Original in
Confidential Collection

Recd 20/5
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NOTE.—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

R. O. C. No. 749/1918-19.

Chief Court of Mysore,
Bangalore,
Dated, 21st January 1919.

45053

From

G. SREENIVASA IYER, Esq., B. A., M. L.,
REGISTRAR OF THE CHIEF COURT OF MYSORE,
BANGALORE.

To

C. S. BALASUNDARAM IYER, Esq., B. A.,
CHIEF SECRETARY TO THE GOVERNMENT OF MYSORE,
BANGALORE.

Sir,

Adverting to Government Order No. J. 2643/Cts. 199-14-4 dated the 25th January 1917, prescribing a competitive examination for the recruitment of candidates to the grade of Munsiffs, I am directed to state that the Judges are of opinion that the rules laid down in the Order require some modification.

2. Under paragraph 2(i) of the rules a candidate, if an Advocate, must have practised for not less than four years, and if a First Grade Pleader, for a period of not less than five years, to be eligible for admission to the examination. As all the candidates are, however, to be graduates in law the Judges consider that this distinction between the two classes of practitioners is unnecessary and that the period of practice may be reduced to three years for both the classes to enable younger men to compete for the examination.

3. I am to state that some of the subjects prescribed in

in paragraph ~~five~~ 5 of the Government Order also require modifications, and that recording depositions in Kannada and English in actual cases (subject No.2) and the preparation and examination of cash and other registers of courts (part of subject No.4) may be advantageously omitted as a knowledge of these must come with actual experience of the working of a court and can be easily picked up. Rules of Practice (part of subject No.4) will then not be sufficiently important to form an independent subject and may go along with subject No.3 (Evidence). Although two general papers, one on Criminal Law and Procedure and another on Civil Law and Procedure may be usefully added to the list of subjects prescribed, yet as the candidates are supposed to be well up in law as it is their profession, they do not propose to make this an examination in different branches of law and would reserve for the examiners a right to set a question or two on general law in the paper on Rules of Practice and Evidence.

4. As a result of these changes, the subjects will be as hereunder.

(1) Drawing up of judgments on records furnished and reference books allowed.

(2) Rules of Practice (Civil and Criminal) and Law of Evidence with a question or two on Civil and Criminal Law.

(3) Criticism of cases actually decided or of decisions propounded by the examiners on hypothetical cases.

5. I am to request that the Government may be pleased to issue revised rules on the lines of the above suggestions of the Judges. The next examination is proposed

proposed to be held soon after the re-opening of the courts after the summer vacation, as all the three candidates who were selected in the last examination have been absorbed in the existing vacancies. The necessary notification inviting applications by the 1st March will be published as soon as sanction of Government is granted. The number of acting and permanent vacancies likely to occur will be notified as three. As the results of the examination have to be known before the middle of June to facilitate the introduction of the scheme of separation of judicial and executive by the 1st July in other Districts, I am directed to state that six months' notice cannot be given for holding the examination and to request early orders of Government for the above proposals.

6. A draft notification on the lines of these proposals is also enclosed for the approval of the Government.

I have the honor to be,

S i r,

Your most obedient servant,

Sammiah

REGISTRAR.

MSC.

N O T I F I C A T I O N.

A competitive examination of approved candidates will be held in the Chief Court Office in June 1919 for the selection of candidates for appointment as Munsiffs.

2. (i). Candidates must be graduates in law who have taken their degrees in the first class, or who have at the date of their applications practised as advocates or first grade pleaders for a period of not less than three years, or who have been in the employment of the Government in a post carrying a salary of not less than Rs 50/- per mensem for a period of not less than five years.

NOTE:- If a candidate before entering Government service was practising as advocate or first grade pleader, then the total period of practice and service should be a period of not less than five years before he is eligible under the above rule.

(ii). They must be natives of Mysore by birth or domicile.

(iii). They must be aged below 35 years, and in the case of practitioners, must have begun to practise as advocates or first grade pleaders before attaining the age of 30 years.

And (iv), they must be respectable and of good character.

NOTE:- A person acquires a domicile in Mysore when he has voluntarily fixed the habitation of himself and his family therein, not for mere special or temporary purposes but with the present intention of making it his permanent home. A continued residence for five years shall be primâ facie evidence of having acquired a domicile.

To be altered to

3. Applications for admission to the examination should be forwarded to the Registrar, Chief Court, Bangalore, so as to reach him on or before the 1st of March 1919. Applications should be in the form appended, printed copies of which can be had from the office of the Registrar, Chief Court.

4. No candidate's name will be registered unless he has attached to his application a treasury receipt showing that he has paid Rs 25/- into a treasury belonging to the Government of Mysore.

5. Every candidate should forward with his application the following certificates:-

(i) A certificate of birth.

This may be a certificate from a Registrar of Births, a Baptismal certificate, or a certificate from a Justice of the Peace or Magistrate, who shall give it only after satisfying himself that the date of birth given is correct by means of the candidate's horoscope or authenticated extract from the school registers or such other evidence as he may consider sufficient.

NOTE:- In the case of candidates who are employed under Government, an extract from the service register showing the date of birth, the period of service on Rs 50/- and above, certified by the Head of the Department that it is a true extract, may be produced in lieu of the certificate mentioned in clause (i) above.

(ii) A certificate of good moral character.

This certificate must be dated not earlier than 18th February 1919 and must be granted by a person of known respectability, not a relative, who has been intimately acquainted with the candidate for at least three preceding years.

(iii) Evidence showing the candidate is a native of Mysore by birth or domicile.

6. Such of the registered applicants as may be approved by the Government will alone be admitted to the examination. The names of approved candidates will be published in the Mysore Gazette not later than the 1st of April 1919.

7. Approved candidates whose names appear in the list published under the last preceding paragraph must appear before a Medical Board at Bangalore on a date and at a place to be fixed hereafter by the Chief Court and published in the Mysore Gazette and only such of them as are passed by the Medical Board will be allowed to proceed to the examination.

8. The fee paid by any candidate who may not be approved by the Government or who, having been approved by the Government, may not be passed by the Medical Board, will be refunde

9. The examination shall comprise the following subjects:-

(1) Drawing up of judgments on records furnished and reference books allowed.

(2) Rules of Practice (Civil and Criminal) and Law of Evidence with some questions on Civil and Criminal Law

(3) Criticism of cases actually decided or of decisions propounded by the examiners on hypothetical cases.

10. The dates and hours of examination will be notified in the Gazette two weeks before the examination.

11. No candidate will be considered to have passed in the examination unless he obtains 50 per cent of the total number of marks and marks obtained in any one or more subjects shall be altogether left out when they are below 25 per cent.

12.

12. Three persons will be selected in order of merit from the list of successful candidates and they will be nominated by the Chief Court in order of success to vacancies temporary or permanent as they occur, should their conduct and health remain satisfactory.

13. The Chief Court shall have the right to require a successful candidate to undergo a medical examination before appointment.

Form of application for permission to appear for the competitive examination for the posts of Munsiffs.

Name in full of the candidate.

Age and date of birth.

Place of birth.

Place of usual residence.

Name and occupation of father or other guardian.

Place of usual residence of father or guardian.

Race or caste of candidate.

Present position or occupation and address.

Date or dates of passing the B.A. and B.~~A~~L degree examinations.

What other University Examinations the candidate has passed with dates of passing them.

Period for which the candidate has practised as an Advocate or First Grade Pleader, with date of enrolment.

Period for which the candidate is under the employment of the Government with date, pay and name of appointment.

Testimonials forwarded by the candidate.

REGISTRAR.

HCC

No.G.23147/Cts.176-18-3 dated 11th April 1919.

To

The Registrar,

Chief Court of Mysore,

Bangalore.

Sir,

With reference to your letter R.O.C.No.749/1918-19 dated the 21st January 1919 suggesting certain changes in the rules for the recruitment of candidates for appointment as Munsiffs and enclosing a draft notification in regard to a competitive examination proposed to be held in June next I am directed to state that the general question of recruitment by competetion is under the consideration of Government and that the holding of a competetive examination for the selection of Munsiffs may in the circumstances be deferred for the present.

If in the meantime any vacancies arise, the Chief Court may exercise the power of nomination under the Chief Court regulation as heretofore.

I have etc.,

(Sd.) C.S.Balasundaram Iyer,

Chief Secretary to Government.